

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Filip Woroniecki	Team: Squad #12	CCRB Case #: 201708897	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/17/2017 2:30 PM	Location of Incident: The 84th Precinct stationhouse	Precinct: 84	18 Mo. SOL 4/17/2019	EO SOL 4/17/2019	
Date/Time CV Reported Thu, 10/26/2017 4:17 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 10/26/2017 4:17 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Peter Ahn	01234	948594	084 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Johnny Yin	2638	937771	084 PCT
2. POF Rhoda Truss	08076	921824	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Peter Ahn	Abuse: Sergeant Peter Ahn detained § 87(2)(b)	
B.SGT Peter Ahn	Abuse: Sergeant Peter Ahn searched § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On October 26, 2017, § 87(2)(b) reported this incident to the CCRB in person, on behalf of his wife, § 87(2)(b). § 87(2)(b) did not witness this incident.

On October 17, 2017, at about 2:30 p.m., § 87(2)(b) was collecting cans behind the 84th Precinct stationhouse, when she was arrested and handcuffed by an individual, identified by the investigation as a court officer. Sgt. Peter Ahn, of the 84th Precinct, arrived on the scene and was informed by the court officer that § 87(2)(b) was illegally possessed his wallet. Sgt. Ahn and the court officer then escorted § 87(2)(b) into the 84th Precinct stationhouse (**Allegation A: Abuse of Authority – Other, detainment, § 87(2)(g)**). Inside of the stationhouse, § 87(2)(b) was questioned at the front desk by Sgt. Ahn with the assistance of Sgt. Johnny Yin, who spoke to her in Cantonese. Sgt. Ahn then instructed PO Rhoda Truss to bring § 87(2)(b) into a cell and search her (**Allegation B: Abuse of Authority – Search of person, § 87(2)(g)**). The court officer's wallet was not found on § 87(2)(b) and she was subsequently released without any charges. § 87(4-b), § 87(2)(g)

There was no video footage of this incident (**Board Review 01**).

Findings and Recommendations

Allegation A – Abuse of Authority: Sergeant Peter Ahn detained § 87(2)(b)

Allegation B – Abuse of Authority: Sergeant Peter Ahn searched § 87(2)(b)

§ 87(2)(b) stated that while she was in front of the desk, Sgt. Yin informed her that the court officer accused her of taking his wallet at a nearby gas station and § 87(2)(b) denied doing that. § 87(2)(b) was then taken to a holding cell by PO Truss and PO Truss patted down her whole body. § 87(2)(b) did not have anything in her pockets and no items were recovered from her person. § 87(2)(b) denied being searched by PO Truss during the incident (**Board Review 02**).

Sgt. Ahn stated that as he was in the parking lot of the 84th Precinct stationhouse, he received a radio run for 10-13, "assist police officer." Upon arriving at the incident location, Sgt. Ahn observed a male dressed in business attire standing alongside § 87(2)(b) who was rear cuffed. Upon approaching the two, the male introduced himself to Sgt. Ahn as a court officer and showed him his badge. The court officer informed Sgt. Ahn that § 87(2)(b) had possession of his wallet and that he wanted it back. At this point, Sgt. Ahn considered § 87(2)(b) to be under arrest by the court officer and so they both escorted § 87(2)(b) inside of the 84th Precinct stationhouse. Sgt. Ahn called Sgt. Yin to translate for § 87(2)(b) at the front desk, Sgt. Yin informed § 87(2)(b) in Cantonese that the court officer accused her of having his wallet and § 87(2)(b) denied taking it. As § 87(2)(b) was under arrest, Sgt. Ahn authorized her search at the court officer's request and instructed PO Truss do so. Sgt. Ahn did not observe this search, but was informed by PO Truss afterward that the search did not uncover the court officer's wallet. § 87(2)(b) was then released without any charges (**Board Review 04**).

Sgt. Yin stated that he received a phone call from Sgt. Ahn asking him for help with Cantonese translation. Sgt. Yin, who was inside of the stationhouse at the time of the call, joined Sgt. Ahn, § 87(2)(b) and a court officer at the front desk of the 84th Precinct stationhouse. The court officer did not introduce himself to Sgt. Yin and Sgt. Yin learned that the individual was a court officer from Sgt. Ahn during the incident. While at the front desk, the court officer informed Sgt. Yin that he dropped his wallet outside of the 84th Precinct stationhouse and that he observed § 87(2)(b) pick it up as she was collecting cans. Sgt. Yin did not remember any

additional information communicated to him by the court officer and he did not speak to § 87(2)(b) about the incident. After he was done with translation, Sgt. Yin left the front desk area and did not interact with § 87(2)(b) again. He did not observe any officers escort § 87(2)(b) into a holding cell and frisk her **(Board Review 03)**.

PO Truss had no independent recollection of this incident. After she was presented with a brief summary of the incident, PO Truss stated that she observed § 87(2)(b) in front of the desk at the 84th Precinct stationhouse. PO Truss observed § 87(2)(b) with Sgt. Yin; however, she did not know what § 87(2)(b) was doing at the stationhouse, whether she was under arrest and who brought her in. PO Truss did not remember whether she frisked or searched § 87(2)(b). Instead, PO Truss stated that if the sergeant requested a frisk or a search, she was obligated to perform it **(Board Review 05)**.

A person is guilty of criminal possession of stolen property in the fifth degree when they knowingly possess stolen property with the intent to benefit themselves or a person other than the owner thereof or impede the recovery by the owner thereof **(06 Board Review)**.

An officer may perform an enforcement action, including arrest, based upon the probable cause established and communicated by another officer. People v. Williams, 239 A.D.2d 368 (1997) **(Board Review 07)**.

Upon arrival at precinct of arrest or other Department facility, the arresting officer or another designated member of the same gender as the prisoner, shall conduct a thorough search of the prisoner's person and clothing to ensure the safety of all persons within the facility and to remove weapons, contraband, and evidence. NYPD Patrol Guide, Section 208-05 **(Board Review 08)**.

§ 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (Board Review 10)
- § 87(2)(b) has not filed and was not involved in any prior CCRB complaints (Board Review 11).
- Sgt. Ahn has been a member of service for seven years and has been a subject in six CCRB complaints and eleven allegations, one of which was substantiated (Board Review 12).
 - In Case # 201607604, a threat of arrest allegation was substantiated against Sgt. Ahn. The CCRB recommended formalized training and the NYPD concurred with this decision.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- According to the Office of Court Administration (OCA) records, § 87(2)(b) and § 87(2)(b) have no criminal convictions in New York City (Board Review 13)
- As of February 5, 2018, there was no Notice of Claim pertaining to this incident (Board Review 14).

Squad No.: 12

Investigator: _____ INV. WORONIECKI _____
Signature Print Title & Name Date

Squad Leader: _____

Signature _____ I.M. RIGIE _____

Print Title & Name _____ Date _____

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____